IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 21837 of 2007(Y)

PETITIONER:

PADMANABHAN @ BHASKARAN NAIR,
AGED 72 YEARS, S/O. ACHUTHAN NAIR,AALANGARY HOUSE,
POOKKODE, KOZHIPPURAM, KOYILANDY,KOZHIKODE DIST.

BY ADV. SRI.SUNIL V.MOHAMMED

RESPONDENTS:

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1. THE SECRETARY,
THIKKODI GRAMA PANCHAYAT, P.O. THIKKODI,
KOZHIKODE DISTRICT.

2. KUNHIRAMAN NAIR, S/O. GOPALAN NAIR,
ANANATHANATH HOUSE, POOKODE, KOZHIPPURAM,
KOYILANDY, KOZHIKODE DISTRICT.

3. MADHAVAN PILLA,
KANNAPPANKANDY, POOKKODE, KOZHIPPURAM,
KOYILANDY, KOZHIKODE DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.21837 of 2007

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Dated this the 26th day of July, 2007

JUDGMENT

Petitioner challenges Ext.P3 and seeks a direction to the first respondent to refrain from demolishing the petitioner's boundary wall referred to in Ext.P3 in the light of Ext.P2 order. He also seeks a direction to pass orders on Ext.P4.

2. The case of the petitioner in brief is as follows:

Ext.P3 is a provisional order issued by the first respondent under Section 406 of the Municipalities Act for demolition of the boundary wall. It is issued on the basis of the complaint of respondents 2 and 3, which is a subject matter in O.S.49 of 2007, in which respondents 2 and 3 are parties. It is the case of the petitioner that the first respondent is acting in collusion with respondents 2 and 3.

3. Ext.P2 is an order of injunction obtained at the instance of the petitioner with respondents 2 and 3 as parties. The Municipality is not made as a party in the suit.

The writ petition is disposed of with a direction to the first

respondent to take a final decision in the matter in accordance with law after considering Ext.P4 and with an opportunity of hearing to the petitioner and respondents 2 and 3. Till a decision is taken the interim order passed will continue.

(K.M. JOSEPH, JUDGE)

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